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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/681,912	06/25/2001	Lynn J. Cresswell	CRE-01	5105

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EXAMINER

OCAMPO, MARIANNE S

ART UNIT PAPER NUMBER

1723

DATE MAILED: 10/04/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/681,912

Applicant(s)

CRESSWELL, LYNN J.

Examiner

Marianne S. Ocampo

Art Unit

1723

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 April 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 April 2002 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Specification

1. The disclosure is objected to because of the following informalities:

a). In page 1 of the specification, paragraph 3, line 1, the letter "a" should be inserted before the word "bucket".

Appropriate correction is required.

Drawings

2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference characters "10" and "12" have both been used to designate the **platform**, as in page 3 of the specification, under the heading, "Detailed Description", in paragraph 18, lines 2 – 3, 5 and 7 - 8.

3. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "10" has been used to designate both the platform, as in paragraph 18, lines 2, 5 and 7 and the wash bucket screen, as in paragraph 17, line 1.

4. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference characters "14" and "15" have both been used to designate the **platform upper portion**, as in page 3 of the specification, under the heading, "Detailed Description", in paragraph 18, lines 2 and 4.

5. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "14" has been used to designate both the platform upper portion, as in paragraph 18, line 4 and the skirt, as in paragraph 18, line 1.

6. The drawings are objected to under 37 CFR 1.83(a) because they fail to show or used a reference sign for "the finger hole in the platform", as described in the specification, page 2, paragraph 9. Any structural detail that is essential for a proper understanding of the disclosed invention should be shown in the drawing. MPEP § 608.02(d).

7. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Objections

8. Claim 2 is objected to because of the following informalities: the word "though" in line 4 of the claim, should be changed to "through". Appropriate correction is required.

Claim Rejections - 35 USC § 112

9. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

10. Claims 1 – 16 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

a). Regarding claim 1, it is unclear if the claimed invention include only that of the wash bucket screen or claiming the combination of the wash bucket screen and a wash/water bucket. Is the bucket wall/walls above the bucket bottom which engages the depending skirt of the platform and the bucket bottom being positively recited?

b). Claim 3 recites the limitation "the platform sides" in line 1. There is insufficient antecedent basis for this limitation in the claim. Are the platform sides, the same structure as the depending skirt or not? For examination purposes, the examiner considered that the platform sides being structurally the same as the depending skirt which engage the bucket wall/walls and provides an effective splash shield between the screen and the bucket.

c). Claim 5 recites the limitation "the flange" in line 1. There is insufficient antecedent basis for this limitation in the claim.

d). Claim 14 recites the limitation "the ridges" in line 1. There is insufficient antecedent basis for this limitation in the claim.

e). Claims 2, 4 and 6 - 13 are dependent claims of claim 1, and therefore, they also suffer the same defects since they depend therefrom.

f). Claim 15 recites the limitation "the side distal ends" and "the sides" in line 1. There is insufficient antecedent basis for the limitations in the claim.

g). Claim 16 is a dependent claim of claim 15 and therefore, it also suffers the same defects since it depends therefrom

Note: For examination purposes, the examiner considered only the subcombination, in the form of the wash bucket screen, and not the combination with a water bucket.

Claim Rejections - 35 USC § 102

11. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(e) the invention was described in-

(1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national application published under section 122(b)

only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or

(2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a).

12. Claims 1 - 6, 8 and 17 are rejected under 35 U.S.C. 102(a) and (e) as being anticipated by Biesinger (US 6,161,701).

13. Concerning claim 1, Biesinger discloses a wash bucket separator/screen for use in a container (26), such as water bucket having a bottom and a single frustum wall, comprising a platform (18) supported on a depending skirt (22) sized to flexibly engage the water bucket/container wall (26) above the container/bucket's bottom and the platform (18) having a plurality of holes (20) therethrough allowing water to pass through to the bucket/container bottom, as in figs. 5, 7 and 9 and in cols. 3 - 5.

14. Regarding claim 2, Biesinger also discloses the holes (20) tapering from a hole top (at the uppermost surface thereof) that readily collects water downward in diameter reduction to a small opening at a hole bottom effectively preventing water in the bucket (26) below the screen (18) from splashing back through the holes (20), as in fig. 10.

15. With respect to claim 3, Biesinger also discloses the platform (18) having sides (22) adapted to extend to the bucket wall (26) providing an effective splash shield between the screen (separator) and the bucket (26), as in figs. 5 and 7.

16. With regards to claim 4, Biesinger further discloses the separator/screen further comprising a perimeter flange (15, 22) extending outward from the sides of the platform (18) sized to ride on a bucket wall (26) when the screen is urged into the bucket (26), as in figs. 6 - 8.

17. Concerning claim 5, Biesinger discloses the flange being near the side distal ends, as in fig. 8.

18. With respect to claim 6, Biesinger also discloses the platform sides flexing resiliently to adapt to the bucket wall or walls (26) as the sides (22) extend to the walls or wall (26), as in figs. 4 - 7 and cols. 3 - 5.

19. Regarding claim 8, Biesinger further discloses the platform (18) slanting to assists run-off of debris (particulates in the liquid/water) from the platform (18), as in figs. 5 and 7.

20. With regards to claim 17, Biesinger discloses a wash bucket separator/screen for use in a container (26), such as water bucket having a bottom and a single frustum wall, comprising a slanted platform (18) supported on a depending skirt (22) sized to

flexibly engage the water bucket wall (26) above the bucket bottom with channels (defined by each of the openings 20 and the portions of the platform 18) on the platform (18) perimeter at lower perimeter portions (i.e. lower ends of the concaved ends of the platform 18) receiving runoff and debris from the platform (18) and routing it to the bucket bottom, as in figs. 5, 7 and 9 and cols. 3 - 5.

Claim Rejections - 35 USC § 103

21. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

22. Claims 7, 9 - 12 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Biesinger in view of Wilfong et al. (US 6,379,630 B1).

23. With regards to claim 7, Biesinger fails to disclose the sides of the platform having vertical slits opening to the side distal ends allowing the sides to bend resiliently as the flange rides on the bucket wall. Wilfong et al. teach a similar separator/screen (38) for a container (such as a water bucket or a tank 24) wherein the screen (38) comprises a platform (42, 44, 46)

having a plurality of holes therethrough supported on at least one depending skirt/stand (48) above a bucket bottom, and the platform having sides (peripheries) with slits (58) opening to the side distal ends allowing the sides to bend resiliently as a peripheral flange (57) rides on the bucket/container/tank wall (38, 24), as in figs. 1 – 7 and cols. 4 – 6. It is considered obvious to one of ordinary skill in the art at the time of the invention to modify the screen of Biesinger, by adding the embodiments taught by Wilfong et al., in order to provide an improved screen which has the ability to flex and fit, and be accommodated in a bucket/container or tank, despite irregularities or any structural aberrations in the bucket walls, as in cols. 5 – 6. It is considered obvious that once the slits are formed on the peripheral flange (15) which are near the side distal ends of the skirt (22) as a result of the combination of teachings of Biesinger and Wilfong et al., that the slits would be vertically formed (i.e. vertical slits).

24. Regarding claim 9, Biesinger further discloses the platform (18) slanting to a platform perimeter, as in fig. 8.

25. With respect to claim 10, Biesinger also discloses the platform (18) including channels on the platform perimeter (at the vicinity of the holes along the perimeter) at lower perimeter portions thereof receiving run off and debris from the platform and routing it to the bucket bottom, as in figs. 9 - 10.

26. Concerning claim 11, Wilfong et al. further teach the platform slanting from its center (46) to a lower perimeter, as in fig. 3 and 1A. It is considered obvious to one of ordinary skill in the art to modify the platform of Biesinger, by adding the embodiment taught by Wilfong et al, in order to provide a screen which allows to vary the volume of the bucket bottom, therefore allowing more access to the water in the bucket bottom.

27. With regards to claim 12, Wilfong et al. also teach the platform slanting from an upper perimeter portion (at 44) to a lower perimeter portion (42), as in fig. 1A and 3. The same motivation applied in claim 11, is applied here.

28. Concerning claim 15, Biesinger discloses a wash bucket separator/screen for use in a container (26), such as water bucket having a bottom and a single frustum wall, comprising a slanted platform (18) supported on a depending skirt (22) sized to flexibly engage the water bucket wall (26) above the bucket bottom with channels (defined by each of the openings 20 and the portions of the platform 18) on the platform (18) perimeter at lower perimeter portions (i.e. lower ends of the concaved ends of the platform 18) receiving run-off and debris from the platform (18) and routing it to the bucket bottom, as in figs. 5, 7 and 9 and cols. 3 – 5. Biesinger fails to disclose the skirt having vertical slits opening to side distal ends allowing the sides/skirt to bend resiliently as a flange rides on the bucket wall. Wilfong et al. teach a similar separator/screen (38) for a container (such as a water bucket or a tank 24) wherein the screen (38) comprises a platform (42, 44, 46) having a plurality of holes therethrough supported on at

least one depending skirt/stand (48) above a bucket bottom, and the platform having sides (peripheries) with slits (58) opening to the side distal ends allowing the sides to bend resiliently as a peripheral flange (57) rides on the bucket/container/tank wall (38, 24), as in figs. 1 – 7 and cols. 4 – 6. It is considered obvious to one of ordinary skill in the art at the time of the invention to modify the screen of Biesinger, by adding the embodiments taught by Wilfong et al., in order to provide an improved screen which has the ability to flex and fit, and be accommodated in a bucket/container or tank, despite irregularities or any structural aberrations in the bucket walls, as in cols. 5 – 6. It is considered obvious that once the slits are formed on the peripheral flange (15) which are near the side distal ends of the skirt (22), as a result of the combination of teachings of Biesinger and Wilfong et al, that the slits would be vertically formed (i.e. vertical slits).

29. Claims 13 – 14 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Biesinger in view of Fuhs (US 4,613,439).

30. Concerning claim 13, Biesinger fails to disclose the platform further comprising a plurality of ridges. Fuhs teaches a screen (10) capable of being used within a wash bucket, comprising a platform (12C, 31) having a plurality of holes (32) therethrough for allowing water or any fluid to pass through and into the bottom of the screen, and the platform being supported on a depending skirt (19) and further comprising a plurality of ridges (33), as in figs. 1 and 4 and cols. 2 – 3. It is considered obvious to one of ordinary skill in the art at the time of the invention

to modify the screen of Biesinger, by adding the embodiments taught by Fuhs (i.e. addition of ridges on the platform), in order to provide additional means for guiding and assisting the flow of fluid (water or any fluid being passed through the screen) from the screen and into the bottom of the screen (i.e. a bucket bottom), as well as provide a means for also filtering or holding larger particulates which may be contained in the fluid.

31. Regarding claim 14 and 18, Biesinger as modified by Fuhs, teach the plurality of ridges (33) being disposed radially on the platform (31) from a center thereof to a platform perimeter, as in figs. 1 and 4. The same motivation applied above, is used here.

32. Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Biesinger and Wilfong et al, as applied in claim 15 above, and further in view of Fuhs (US 4,613,439).

33. With regards to claim 16, Biesinger as modified by Wilfong et al. fail to disclose the platform further comprising a plurality of ridges disposed radially on the platform from a center to a platform perimeter. Fuhs teaches a screen (10) capable of being used within a wash bucket, comprising a platform (12C, 31) having a plurality of holes (32) therethrough for allowing water or any fluid to pass through and into the bottom of the screen, and the platform being supported on a depending skirt (19) and further comprising a plurality of ridges (33) being disposed radially on the platform (31) from a center thereof to a platform perimeter, as in figs. 1 and 4 and cols. 2 – 3. It is considered obvious to one of ordinary skill in the art at the time of the

invention to modify the screen of Biesinger, by adding the embodiments taught by Fuhs (i.e. addition of ridges on the platform), in order to provide additional means for guiding and assisting the flow of fluid (water or any fluid being passed through the screen) from the screen and into the bottom of the screen (i.e. a bucket bottom), as well as provide a means for also filtering or holding larger particulates which may be contained in the fluid.

Conclusion

34. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. US Patents 5,868,946 (Nguyen), 3,549,044 (Lerner), 1,488,930 (Mannix), 2,671,239 (Wisner), 1,553,023 (Bonnell), 846,060 (Selg), 4,867,880 (Pelle et al.), 4,235,340 (Clack et al.), 5,449,459 (Glaser et al.) and 2,546,041 (Newton et al.).

35. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marianne S. Ocampo whose telephone number is (703) 305-1039. The examiner can normally be reached on Mondays to Fridays from 8:00 A.M. to 4:30 P.M..

36. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wanda Walker can be reached on (703) 308-0457. The fax phone numbers for the

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organization where this application or proceeding is assigned are (703) 872-9310 for regular communications and (703) 872-9311 for After Final communications.

37. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.

M.S.O.
M.S.O.

October 1, 2002

M. Savage
MATTHEW O. SAVAGE
PRIMARY EXAMINER